



227554
CITY of KOKOMO

www.cityofkokomo.org

GREG GOODNIGHT, MAYOR

City Hall - 100 South Union Street
Kokomo, Indiana 46901
mayor@cityofkokomo.org
(765) 456-7444



July 28, 2010

ENTERED
Office of Proceedings

AUG. 2 - 2010

Part of
Public Record

Chief, Section of Administration,
Office of Proceedings
Surface Transportation Board
Washington, DC 20423-0001

Re: Central Railroad of Indianapolis Abandonment in Howard County, Indiana, Docket No. AB-511 (Sub-No. 5X)

Dear Chief:

This request is filed on behalf of The City of Kokomo, which is a city in Howard County, Indiana, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost 55.66 and 57.39, as well as between milepost 57.88 and 58.5.

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: The rail corridor connects to the north with a previously railbanked corridor developed as a 37 mile public trail. The corridor requested for Public Use allows this trail to be connected to a population center of approximately 46,000 residents. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to review title information and begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, ballast, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days

from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under 16 U.S.C. 1247(d), and 49 CFR§1152.29, the City of Kokomo is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Central Railroad Company of Indianapolis.

The property, known as the Tipton Industrial Lead, extends from railroad milepost 55.66 near Gano Street to railroad milepost 57.39 at the south right-of-way of the proposed US35, and from milepost 57.88 at the north right-of-way of the proposed US31 to milepost 58.5 at the south end of the Nickel Plate Trail, distances of 0.62 and 1.73 miles respectively (2.35 miles total) in Howard County, Indiana. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-511 (Sub-No. 5X).

A map of the property depicting the right-of-way is attached.

The City of Kokomo acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

Finally, the City of Kokomo requests the STB to waive the filing fee under 49 CFR 1002.2(e)(1) for this request as the city is a governmental agency.

By my signature below, I certify service upon Central Railroad Company of Indianapolis, by U.S. Mail, postage pre-paid, first class, this 28th day of July, 2010.

Sincerely,



Greg Goodnight
Mayor
City of Kokomo

An aerial photograph of a landscape with a grid of roads and several dark, linear features representing rail tracks. The image is high-contrast, with a grainy, black-and-white appearance. Several white rectangular labels with black text are overlaid on the image, with lines pointing to specific locations. The labels include 'RAILBANK REQUEST', 'RxR PROPOSED ABANDON MILEPOST 57.88 (+/-)', and 'RxR PROPOSED ABANDON MILEPOST 57.39 (+/-)'. There are also some small, illegible labels near the bottom left.

RxR PROPOSED ABANDON
MILEPOST 57.88 (+/-)

RAILBANK REQUEST

RxR PROPOSED ABANDON
MILEPOST 57.88 (+/-)

RxR PROPOSED ABANDON
MILEPOST 57.39 (+/-)

RAILBANK REQUEST